

U.S. DISTRICT COURT  
Southern District of Georgia

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

Filed in Open Court  
1045 M.  
09/15/2015  
[Signature]  
Deputy Clerk

UNITED STATES OF AMERICA        )  
  )  
  )  
  )  
  )  
  )  
v.                                        )  
  )  
TINA M. TUCKER                    )

CONSENT ORDER OF FORFEITURE

WHEREAS, on March 4, 2015, a federal grand jury sitting in the Southern District of Georgia returned a one-count Indictment against Defendant Tina M. Tucker, charging a violation of 18 U.S.C. § 1343 (Wire Fraud);

WHEREAS, the Indictment included a forfeiture allegation giving notice to the Defendant that, upon her conviction of Count One, she shall forfeit to the United States any property, real or personal, constituting, or derived from, proceeds traceable to the charged offense, including but not limited to, a money judgment for the amount of proceeds Defendant obtained as a result of the violation alleged in the Indictment;<sup>1</sup>

WHEREAS, the Indictment further provided for the forfeiture of substitute assets, pursuant to 21 U.S.C § 853(p), as incorporated by 28 U.S.C. § 2461(c), of any other property of the Defendant up to the value of the property subject to forfeiture;

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<sup>1</sup> The Indictment incorrectly cited 18 U.S.C. § 982(a)(1)(C), rather than 18 U.S.C. § 981(a)(1)(C), as a statutory basis for forfeiture. Even if Defendant had not waived, as a term of her plea agreement, the requirements of Federal Rule of Criminal Procedure 32.2 regarding notice of forfeiture in the Indictment, the government's error was immaterial and inconsequential. See *United States v. Wall*, 285 F.App'x 675, 684 (11th Cir. 2008) (reference in indictment to 18 U.S.C. § 982 instead of to 18 U.S.C. § 981 was not prejudicial where indictment clearly notified defendants that Government sought to forfeit fraud proceeds).

WHEREAS, on May 19, 2015, pursuant to a written plea agreement, Defendant pleaded guilty to Count One of the Indictment charging her with violating 18 U.S.C. § 1343, Wire Fraud;

WHEREAS, pursuant to her plea agreement, the Defendant agreed to forfeit, in the form of a money judgment, the amount of actual loss as determined by the Court at sentencing;

WHEREAS, the Court has determined that the actual loss caused by the Defendant, directly or indirectly, as a result of her violations was \$529,003.71; and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, Defendant shall forfeit to the United States the sum of \$ 529,003.71, which is the sum of money equal to all proceeds traceable to Defendant's offense of conviction.

2. This Court shall retain jurisdiction for the purpose of enforcing this Order.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall become final as to the Defendant at the time of sentencing, be made part of the sentence, and be included in the judgment.

4. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture to substitute property having a value not to exceed \$ 529,003.71 to satisfy the money judgment in whole or in part.


5. The Clerk of the Court shall forward four certified copies of this Order to Assistant U.S. Attorney Lamont A. Belk, United States Attorney's Office for the Southern District of Georgia, P.O. Box 2017, Augusta, Georgia 30903.

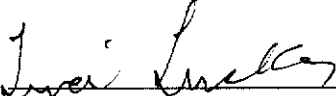
IT IS SO ORDERED.


This 15<sup>th</sup> day of September, 2015.

  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

WE ASK FOR THIS:

  
Lamont A. Belk  
Assistant United States Attorney  
Georgia Bar Number 047404  
P.O. Box 2017  
Augusta, Georgia 0903  
912-652-4422

  
Tina M. Tucker  
Defendant

  
M. Travis Saul, Esq.  
Attorney for the Defendant

Date: 9/15/15

Date: 9-15-15